

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Chambers of
BENSON EVERETT LEGG
United States District Judge

101 West Lombard Street
Baltimore, Maryland 21201
(410) 962-0723

May 24, 2001

MEMORANDUM TO COUNSEL

Re: Passarello v. Vigilant Insurance Co.
Civil #L-01-0215

Dear Counsel:

The Court recently granted Plaintiff's motion to file an amended complaint. Plaintiff's amended Complaint added two non-diverse parties to the action. Ordinarily, such an addition eliminates this Court's subject matter jurisdiction. However, if the additional non-diverse defendants were not indispensable at the time of the filing of the lawsuit, their later addition would not necessarily destroy diversity jurisdiction. Kerr v. Smith Petroleum Co., 889 F.Supp. 892, 893 (E.D.La.1995)

Within two weeks, the parties are to advise the Court whether the additional parties are indeed indispensable. If both parties agree that the non-diverse parties are indispensable (and were at the time the suit was filed), the Court will approve the motion to remand this action to the Circuit Court for Baltimore County. If there is disagreement on the issue, the Court will schedule a telephone conference to hear arguments on the matter.

Despite the informal nature of this memorandum, it shall constitute an Order of Court and the Clerk is directed to docket it accordingly.

Very truly yours,



Benson Everett Legg

c. Court file

